

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF OHIO

**BANKRUPTCY DESK
REFERENCE MANUAL**



**CHIEF JUDGE WILLIAM T. BODOH
JUDGE RICHARD L. SPEER
JUDGE RANDOLPH BAXTER
JUDGE MARILYN SHEA-STONUM
JUDGE PAT E. MORGENSTERN-CLARREN
JUDGE RUSS KENDIG
JUDGE MARY ANN WHIPPLE**

CLERK: KENNETH J. HIRZ

**Effective: July 2000
Revised: July 2001
June 2002**

INTRODUCTION

THIS MANUAL WAS PREPARED BY THE CLERK'S OFFICE OF THE UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF OHIO, AS A REFERENCE GUIDE FOR BANKRUPTCY COURT PRACTITIONERS. WHILE THE INFORMATION PRESENTED IS ACCURATE AS OF THE DATE OF PUBLICATION, IT SHOULD NOT BE CITED OR RELIED UPON AS LEGAL AUTHORITY. MOREOVER, THE INFORMATION IS NOT INTENDED TO SERVE AS A COMPLETE EXPLANATION OF THE SUBJECT MATTER COVERED, NOR OF EVERY ISSUE ADDRESSED BY THE BANKRUPTCY COURT.

USERS OF THIS MANUAL ARE ENCOURAGED TO REFER TO THE APPLICABLE LEGAL AUTHORITIES GOVERNING BANKRUPTCY PROCEEDINGS, INCLUDING TITLES 11 AND 28 OF THE UNITED STATES CODE, THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL RULES PROMULGATED BY THIS COURT, AND THE ADMINISTRATIVE ORDERS AND GENERAL ORDERS ISSUED BY THIS COURT.

**KENNETH J. HIRZ
CLERK OF COURT**

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I. BANKRUPTCY COURT OVERVIEW

DEFINITIONS

The following definitions describe terms used in this manual:

- “Clerk” means the Clerk of the Bankruptcy Court and any Deputy Clerk.
- “Judge” means any judicial officer, including any District Judge or Bankruptcy Judge, before whom any bankruptcy case or proceeding is pending.
- “Court” means any Judge or Clerk of Court personnel to whom responsibility for a particular action or decision in a bankruptcy case or proceeding has been duly delegated or assigned.
- “Local Bankruptcy Rule(s)” or “LBR” mean the Local Rule(s) for the United States Bankruptcy Court, Northern District of Ohio.
- “Local Civil Rule(s)” or “LCR” mean the Local Civil Rule(s) for the United States District Court, Northern District of Ohio.
[See LBR 9001-1]

COURT BUSINESS HOURS

The office hours of the United States Bankruptcy Court Clerk’s Office are 8:00 a.m. to 5:00 p.m.; the public business hours during which papers may be filed are 9:00 a.m. to 4:00 p.m. weekdays, excluding legal holidays. In an emergency, papers may be filed at other times by making prior arrangements with the Clerk during public business hours. [See Fed. R. Bankr. P. 5001(c)]

COURT LOCATIONS

AKRON

U.S. Bankruptcy Court
455 Federal Building
Two South Main Street
Akron, Ohio 44308
Phone: (330) 375-5840
FAX: (330) 375-5490
Judge: Marilyn Shea-Stonum
Deputy Clerk in Charge: Joyce Garner

CLEVELAND (Headquarters)

U.S. Bankruptcy Court
Key Tower
127 Public Square
Cleveland, Ohio 44114
Phone: (216) 522-4373
FAX: (216) 522-4082
Judges: Randolph Baxter
Pat E. Morgenstern-Clarren
Deputy Clerk in Charge: Yvonne Wood

CANTON

U.S. Bankruptcy Court
 Frank T. Bow Federal Building
 201 Cleveland Avenue, SW
 Canton, Ohio 44702
 Phone: (330) 489-4431
 FAX: (330) 489-4434
 Judge: Russ Kendig
 Deputy Clerk in Charge: Carolyn Winkler

TOLEDO

U.S. Bankruptcy Court
 411 U.S. Courthouse
 1716 Spielbusch Avenue
 Toledo, Ohio 43624
 Phone: (419) 259-6440
 FAX: (419) 259-6479
 Judges: Richard L. Speer
 Mary Ann Whipple
 Deputy Clerk in Charge: David Fickel

YOUNGSTOWN

U.S. Bankruptcy Court
 125 Market Street
 Youngstown, Ohio 44501
 Phone: (330) 746-7027
 FAX: (330) 746-8312
 Judge: William T. Bodoh (Chief Judge)
 Deputy Clerk in Charge: Richard Lucarell

COUNTIES SERVED BY DIVISIONAL OFFICES**EASTERN DIVISION:****AKRON**

Medina
 Portage
 Summit*

CLEVELAND

Cuyahoga*
 Geauga
 Lake
 Lorain

CANTON

Ashland
 Carroll
 Crawford
 Holmes
 Richland
 Stark*
 Tuscarawas
 Wayne

YOUNGSTOWN

Ashtabula
 Columbiana
 Mahoning*
 Trumbull

WESTERN DIVISION:**TOLEDO**

Allen
 Auglaize
 Defiance
 Erie
 Fulton
 Hancock
 Hardin
 Henry
 Huron
 Lucas*
 Marion
 Mercer
 Ottawa
 Paulding
 Putnam
 Sandusky
 Seneca
 Van Wert
 Williams
 Wood
 Wyandot

* Indicates county in which divisional office is located.

FORMS AVAILABLE FROM CLERK'S OFFICE

The following official forms are available from the Clerk's Office at the divisional offices:

Adversary Proceeding Cover Sheet
Certificate of Commencement of Case
Certificate of Judgment for Registration in Another District
Chapter 13 Confirmation Order (Cleveland Office)
Exemplification Certificate
Chapter 13 Order to Debtor to Self-Pay (Cleveland Office)
Chapter 13 Wage Order to Employer (Cleveland Office)
Proof of Claim
Proof of Claim by Debtor or Trustee
Subpoena for Adversary Proceeding
Subpoena for Bankruptcy Cases
Subpoena for 2004 Examination
Summons
Summons and Notice of Pre-Trial
Summons and Notice of Trial
Summons to Debtor in Involuntary Case
Writ of Execution

OFFICE OF THE UNITED STATES TRUSTEE*

UNITED STATES TRUSTEE

Ira Bodenstein (Interim)
BP America Building
200 Public Square
20th Floor, Suite 3300
Cleveland, Ohio 44114
Phone: (216) 522-7176

CHAPTER 12 TRUSTEE

WESTERN DIVISION

Suzanne Mandross
PO Box 2534
Toledo, Ohio 43606
Phone: (419) 537-9906

CHAPTER 12 TRUSTEE

EASTERN DIVISION

Michael Demczyk
12370 Cleveland Avenue NW
PO Box 867
Uniontown, Ohio 44685
Phone: (330) 699-6703

CHAPTER 13 TRUSTEE

AKRON

Jerome Holub
916 Key Building
159 S. Main Street
Akron, Ohio 44308
Phone: (330) 762-6335

CHAPTER 13 TRUSTEE

CANTON

Toby Rosen
William R. Day Building
121 Cleveland Avenue, SW
Canton, Ohio 44702
Phone: (330) 455-2222

CHAPTER 13 TRUSTEE

TOLEDO

Anthony DiSalle
501 Toledo Building
316 N. Michigan Street
Toledo, Ohio 43624
Phone: (419) 255-0675

CHAPTER 13 TRUSTEE

CLEVELAND

Myron Wasserman
910 Leader Building
526 Superior Avenue
Cleveland, Ohio 44114
Phone: (216) 621-4268

CHAPTER 13 TRUSTEE

YOUNGSTOWN

Michael Gallo
20 Federal Plaza West
Suite 600
Youngstown, Ohio 44503
Phone: (330) 744-0247

* The above information on the Office of the United States Trustee applies to Region 9, which includes the Northern District of Ohio. Please note that the Office of the United States Trustee is not a part of the United States Bankruptcy Court.

SECTION 341 MEETING LOCATIONS

AKRON

First Energy Building
76 South Main Street, Atrium Level
Akron, Ohio 44308

CANTON (Chapter 13 - Mansfield)

Municipal Building
30 North Diamond Street
Mansfield, Ohio 44902

CANTON (Chapter 7 - Canton)

Frank T. Bow Federal Building
201 Cleveland Avenue, SW
#B 13
Canton, Ohio 44702

CLEVELAND (Chapter 7)

BP America Building
200 Public Square, Atrium Level
Cleveland, Ohio 44114

CANTON (Chapter 7 - Mansfield)

Richland County Courthouse
3rd Floor
Mansfield, Ohio 44902

CLEVELAND (Chapter 13)

United States Bankruptcy Court
Key Tower
127 Public Square
Courtroom # 3105
Cleveland, Ohio 44114

CANTON (Chapter 13 - Canton)

Office of the Chapter 13 Trustee
William R. Day Building
121 Cleveland Avenue, SW
Canton, Ohio 44702

TOLEDO (Toledo Area)

Ohio Building
420 Madison Avenue, Room 680
Toledo, Ohio 43604

TOLEDO (Lima Area)

American Mall Community Room
3000 West Elm Street
Lima, Ohio 45805

TOLEDO (Marion Area)

Marion City Hall
233 West Center Street
2nd Floor
Marion, Ohio 43302

YOUNGSTOWN (Ashtabula County)

Ashtabula County Courthouse
25 West Jefferson Street
2nd Floor Conference Room
Jefferson, Ohio 44047

YOUNGSTOWN (All Others)

Youngstown State University
Kilcawley Center
University Plaza
Spring Street
Youngstown, Ohio 44555

FEDERAL HOLIDAYS

The United States Bankruptcy Court closes in observance of these federal holidays:
[See Fed. R. Bankr. P. 5001(c) and 9006(a)]

New Year's Day*.....January 1
Martin Luther King, Jr. Day.....3rd Monday in January
Presidents Day..... 3rd Monday in February
Memorial Day..... Last Monday in May
Independence Day*..... July 4
Labor Day..... 1st Monday in September
Columbus Day..... 2nd Monday in October
Veterans Day*.....November 11
Thanksgiving Day.....4th Thursday in November
Christmas Day*.....December 25

* If holiday falls on a Saturday, it is celebrated on the previous Friday. If holiday falls on a Sunday, it is celebrated on the following Monday.

ADDITIONAL INFORMATION

COURT WEB SITE: www.ohnb.uscourts.gov

The Court's web site contains a variety of information, including:

- Names of the Judges and the Clerk of Court
- Court locations and telephone numbers
- Staff directory
- Hours of operation
- Job postings

- Information on the Court's Case Management/Electronic Case Filing (CM/ECF) Project
- Desk Reference Manual
- Local Bankruptcy Rules
- Bankruptcy Appellate Rules
- Bankruptcy Appellate Manual
- Selected General Orders, Administrative/Miscellaneous Orders, and Memoranda
- Selected published opinions
- Fee schedule
- Information on PACER (Public Access to Court Electronic Records)
- Information on VCIS (Voice Case Information System)
- Miscellaneous announcements and notices

PUBLIC ACCESS TO COURT ELECTRONIC RECORDS (PACER):

PACER provides the public with electronic access to selected Court case information from a personal computer. Subscribing parties can access cases and docket sheets electronically, retrieving information that is also available in the Clerk's Office. The PACER telephone number is (800) 579-5735. To subscribe, or report problems, contact the PACER Support Center at (800) 676-6856.

VOICE CASE INFORMATION SYSTEM (VCIS):

The VCIS system provides general access to the information and records on bankruptcy cases. Public case information may be obtained without charge using a touch-tone phone. The VCIS telephone number is (800)898-6899.

ADMINISTRATIVE AND GENERAL ORDERS, LOCAL RULES:

Copies of the Administrative and General Orders issued by the Judges, as well as the Court's Local Bankruptcy Rules, can be obtained by calling the Clerk's Office at (216) 522-4373 x3035.

II. FILING OF A BANKRUPTCY PETITION

TYPES OF CASES

CHAPTER 7 (LIQUIDATION): The orderly, court-supervised procedure by which a trustee collects the non-exempt property of an individual or business debtor, reduces the assets to cash, and makes distributions to creditors.

CHAPTER 9 (MUNICIPALITY): The process by which a municipal unit is permitted to continue its operations while it adjusts or refinances its creditors' claims.

CHAPTER 11 (REORGANIZATION): The reorganization of a business debtor, usually involving a corporation or partnership, which permits the enterprise to continue its operations while restructuring its finances through a court-approved plan.

CHAPTER 12 (FAMILY FARMER): The adjustment of debts of a family farmer with regular annual income through a court-approved debt repayment plan. (The provisions of Chapter 12 are scheduled to expire on January 1, 2003.)

CHAPTER 13 (WAGE EARNERS PLAN): The adjustment of debts of an individual with regular income, or a small business owned by such individual, which allows the debtor to retain certain assets by repaying creditors over a period of time through a court-approved plan.

ELIGIBILITY FOR FILING

Chapter 7:	Petition may be filed by an individual, partnership, corporation, stockbroker, or commodity broker. [See 11 U.S.C. §§ 101(17) and 109(b), (d), (e), and (f)]
Chapter 9:	Petition may be filed by a municipality. [See 11 U.S.C. §§ 101(34) and 109(c)]
Chapter 11:	Petition may be filed by an individual, partnership, corporation, or a railroad. [See 11 U.S.C. §§ 101(17) and 109(b), (d), (e), and (f)]
Chapter 12:	Petition may be filed by an individual, partnership, or corporation. [See 11 U.S.C. §§ 101(17) and (18) and 109(b), (d), (e), and (f)]. (The provisions of Chapter 12 are scheduled to expire on January 1, 2002.)
Chapter 13:	Petition may be filed by an individual only. [See 11 U.S.C. § 109(e)]

GENERAL FILING REQUIREMENTS

VENUE

A case may be commenced in the bankruptcy court for the district (1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the debtor have been located for the 180 days immediately preceding commencement of the case, or for a longer portion of the 180-day period than the domicile, residence, principal place of business in the United States, or principal assets in the United States of the debtor were located in any other district; or (2) in which a case is pending under Title 11 concerning the debtor's affiliate, general partner, or partnership. [See 28 U.S.C. § 1408; LBR 1071-1]

RELATED CASES

A petition involving a related case must be filed at the Court location where the first related case was filed. Related cases include cases in which the debtors are:

1. identical individuals or entities, *e.g.*, DBAs, FDBAs, other cases of the same person;
2. a corporation and any major shareholder thereof;
3. affiliates;
4. a partnership and any of its general partners;
5. an individual and his or her general partner or partners;
6. an individual and his or her spouse;
7. entities having substantial identity of financial interests or assets.

[See LBR 1015-2(a)]

REJECTION OF PETITIONS

The Clerk may refuse to accept for filing any petition (1) not accompanied by the proper filing fee, unless otherwise authorized by law, or (2) presented for filing on behalf of a person or entity subject to an order enjoining such person or entity from filing such petition, or (3) not signed by the debtor. The Clerk shall not accept for filing any facsimile transmission unless ordered by the Court. [See Fed. R. Bankr. P. 1006(a); LBR 1002-1(a) and 5005-1(b); General Order No. 89-1]

REQUIRED DOCUMENTS

The following provisions govern the types and format of documents required with respect to the filing of a petition:

PETITIONS

Chapter 7:

Petition and Signature Page
Summary of Schedules
Schedules A-J and Declaration Page
Statement of Financial Affairs and Declaration Page
Disclosure of Attorney Fees

Statement of Intention

Matrix

[See 11 U.S.C. §§ 329 and 521(1) and (2); Fed. R. Bankr. P. 1006, 1007, and 2016(b); LBR 1007-1 and 1007-2]

Chapter 11:

Petition and Signature Page

Exhibit "A"

Summary of Schedules

Schedules A-J and Declaration Page

List of 20 Largest Unsecured Creditors

List of Equity Secured Creditors

Statement of Financial Affairs and Declaration Page

Corporate Resolution (if Corporation)

Disclosure of Attorney Fees

Matrix

[See 11 U.S.C. §§ 329 and 521(1) and (2); Fed. R. Bankr. P. 1006, 1007, and 2016(b); LBR 1007-1 and 1007-2]

Chapter 12: (The provisions of Chapter 12 are scheduled to expire on January 1, 2003.)

Petition and Signature Page

Summary of Schedules

Schedules A-J and Declaration Page

Statement of Financial Affairs and Declaration Page

Disclosure of Attorney Fees

Matrix

[See 11 U.S.C. §§ 329, 521(1) and (2), and 1221; Fed. R. Bankr. P. 1006, 1007, and 2016(b); LBR 1007-1 and 1007-2]

Chapter 13:

Petition and Signature Page

Summary of Schedules

Schedules A-J and Declaration Page

Statement of Financial Affairs and Declaration Page

Chapter 13 Plan and Summary

Disclosure of Attorney Fees

Matrix

[See 11 U.S.C. § 329; Fed. R. Bankr. P. 1006, 1007, 2016(b), and 3015; LBR 1007-1 and 2]

SCHEDULES

The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer generated forms may not exceed the box size of the official forms. Each address

shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state. Whenever an interest in real estate is scheduled, the legal description, permanent parcel number, and street address shall be stated. [See LBR 1007-1(a), 5005-1(d) and 9004-1(b)]

MATRICES

Unless otherwise ordered by the Court, all petitions must be accompanied by a mailing matrix listing creditors and parties in interest. Matrices must be formatted to conform to automated scanning equipment used by the Clerk. Modifications to a previously filed matrix shall be treated as an amendment to the listing of creditors and will require debtor verification and payment of appropriate costs. All matrices must meet the following minimum standards:

1. Each address may not exceed 5 lines of type;
 2. Each matrix page must be prepared showing creditors in a single column no closer than 1½ inches from any edge;
 3. Each line of type cannot exceed 35 characters;
 4. Addresses should not contain account numbers or other internal creditor identifying codes;
 5. The last line within each address must show only the city, state, and zip code;
 6. Only 2 letter state abbreviations shall be used;
 7. Matrices must be submitted in letter quality print using Courier, Prestige Elite, or Letter Gothic font styles.
- [See LBR 1007-2]

The matrix shall be considered to be a “list of creditors,” as that term is used in Fed. R. Bankr. P. 2002(g). It is the responsibility of the debtor, or debtor’s counsel, to verify that all scheduled creditors and related parties are included within any disk, electronic mail or paper matrix, and that the matrix format is compatible with automated equipment used by the Court. In addition, the creditor shall be responsible to cure, by re-serving affected creditors and parties in interest, any noticing deficiencies resulting from incomplete lists of creditors or improper formatting within the matrix. [See General Order No. 02-1]

FORMS

Except as otherwise ordered by the Court, all papers filed with the Clerk, including exhibits, shall comply with Official Bankruptcy Forms, and shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts. [See Fed. R. Bankr. P. 9009; LBR 1002-1(b), 5005-1(a), and 9004-1(a)]

GENERAL FORMAT OF PAPERS

All documents presented for filing or lodging shall be pre-punched with 2 normal size holes (approximately ¼ inch diameter), centered 2¾ inches apart, ½ to ⅝ inch from the top edge of the document. [See General Order No. 98-3]

CAPTION

On all papers filed with the Clerk after the petition, the name of the Judge to whom the case is assigned shall be included in the caption either above or below the case number. [See LBR 5005-1(d) and 9004-2]

VERIFICATION AND SIGNATURE

The petition must be verified by the petitioner or contain an unsworn declaration. Every petition filed on behalf of a party represented by an attorney must be signed by at least one attorney of record in the attorney's individual name. Signatures on the petition, pleadings, motions, and other documents shall include the attorney's typewritten name, firm affiliation, if any, address, telephone number, and Bar Registration Number. Only the original petition need be signed and verified, but all copies must be conformed to the original. [See 28 U.S.C. § 1746; Fed. R. Bankr. P. 1008, 9011(a), and 9011(c); LBR 5005-1(e) and 9011-4]

COPIES

An original and 3 copies of the petition, each schedule, statement, list, and plan shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. [See Fed. R. Bankr. P. 1007 and 3015; LBR 1002-1(c), 1007-1(b), and 5005-2]

FILING FEES

CASE-SPECIFIC FEES

Chapter 7:	\$200
Chapter 11:	\$830
Chapter 12:	\$230 (The provisions of Chapter 12 are scheduled to expire on January 1, 2003.)
Chapter 13:	\$185

[See 28 U.S.C. § 1930. Check current version of statute for possible changes in amounts.]

INSTALLMENT FEES

Payment of filing fees in installments is permitted only for voluntary petitions filed by an individual. If the petitioner files an application to pay the filing fee in installments, the application must state the proposed terms of the installment payments and that the applicant has not compensated an attorney for services in connection with the case. The number of proposed installments must not exceed four, with the final installment payable no later than 120 days after the filing date. The Court may, for good cause shown, extend the deadline for the final payment for 60 days. [See Fed. R. Bankr. P. 1006(b)]

CHILD SUPPORT CREDITORS

Upon the completion and filing of the requisite form, the Clerk shall accept filings from child support creditors or their representatives for appearance and intervention in all cases and proceedings in this Court without charge or any filing fees which would otherwise be applicable. [See 28 U.S.C. § 1930(b); § 304(g) of the Bankruptcy Reform Act of 1994; § 6 of the Judicial Conference Miscellaneous Fee Schedule; General Order No. 95-1]

RESTRICTIONS

Petitioners may not proceed *in forma pauperis* when filing bankruptcy petitions, nor may debtors pay their filing fees with personal checks or credit cards. [See 28 U.S.C. § 1930(a)]

ADDITIONAL COURT FEES

Adversaries	\$150.00
Amended Matrix or Creditors' List	\$20.00
Ancillary Petition	\$830.00
Appeal	\$105.00
Archives Retrieval	\$35.00
Certificate of Liens	\$7.00
Certifications	\$7.00
Conversion from Chapter 7 to Chapter 11	\$630.00
Conversion from Chapter 13 to Chapter 11	\$645.00
Conversion from Chapter 11, 12, or 13 to Chapter 7	\$15.00
Copies, per Page.....	\$.50
Copy Vendor Service, per Copy (Cleveland)	\$.28
Exemplifications	\$14.00
Mailing Labels, per Page	\$5.00
Microfilm/Microfiche of Court Record	\$4.00
Miscellaneous Paper, Filing or Indexing	\$30.00
Motion for Relief or Abandonment	\$75.00
Motion to Withdraw Reference	\$75.00
Notices (Only if Noticing Occurred Prior to 1/1/98)	\$.50
Registration of Judgment from Foreign District	\$30.00
Returned Check	\$35.00
Search of Records	\$20.00
Split Case from Chapter 7 to Chapter 13	\$77.50
Split Case from Chapter 13 to Chapter 7	\$92.50
Tape Duplication	\$20.00
Witness Fee, per Day	\$40.00
Witness Mileage, per Mile	\$.365

III. DEBTOR/CREDITOR PROVISIONS

MOTION FOR RELIEF FROM STAY

A motion for relief from the automatic stay provided by 11 U.S.C. § 362(a) shall be served on the debtor, the debtor's counsel, the trustee, the trustee's counsel if appointed, any official committees and their counsel if appointed, and any other parties asserting, having, or claiming an interest in the property, and shall identify the property, and state the amount of the outstanding indebtedness and the fair market value of the property. The motion, which shall be styled according to the standardized forms set forth in General Order No. 99-1, shall be accompanied by a legible and complete copy of all relevant loan and security agreements and evidence of perfection, unless such documents are voluminous. A copy of any prior orders of the Court upon which the motion relies shall be attached. [See Fed. R. Bankr. P. 4001(a)(10) and 9014; LBR 4001-1, 9013-1, 9013-2, and 9013-3; General Order No. 99-1]

MEETING OF CREDITORS

IN GENERAL

Except in Chapter 9 cases, a meeting of creditors (Section 341 Meeting) is required within a reasonable time after the order for relief in the case. Every debtor must personally attend the meeting of creditors and submit to an examination under oath. The United States Trustee, his/her designee, or a panel trustee (Chapter 7 cases) presides at the meeting. Creditors are not required to attend the meeting, but may attend and question the debtor, elect a trustee other than the one assigned, and conduct such other business as may be appropriate. Meetings other than the first Section 341 Meeting may take place. A meeting of equity security holders may be held if ordered by the Court. The United States Trustee may call special meetings of creditors or a final meeting of creditors. [See 11 U.S.C. §§ 341(a), 343, and 901(a); Fed. R. Bankr. P. 2003(b)(1) and (2), (f), and (g)]

SCHEDULING THE MEETING

In Chapter 7, 11, and 13 cases, the Section 341 Meeting must take place not less than 20 nor more than 40 days after the order for relief; in Chapter 12 cases, the meeting must occur not less than 20 nor more than 35 days after the order for relief. The meeting may be held at a later time if there is an appeal from or a motion to vacate the order for relief, or if there is a motion to dismiss the case. The debtor, the trustee, all creditors and indenture trustees must be given at least 20 days notice by mail. By law, the meeting may be held at any place where Court is regularly held or at any other place designated by the Court or the United States trustee which is within the district and convenient for the parties in interest. [See **341 MEETING LOCATIONS**, above. See also Fed. R. Bankr. P. 2002(a) and 2003)]

DISCHARGE OF DEBTOR

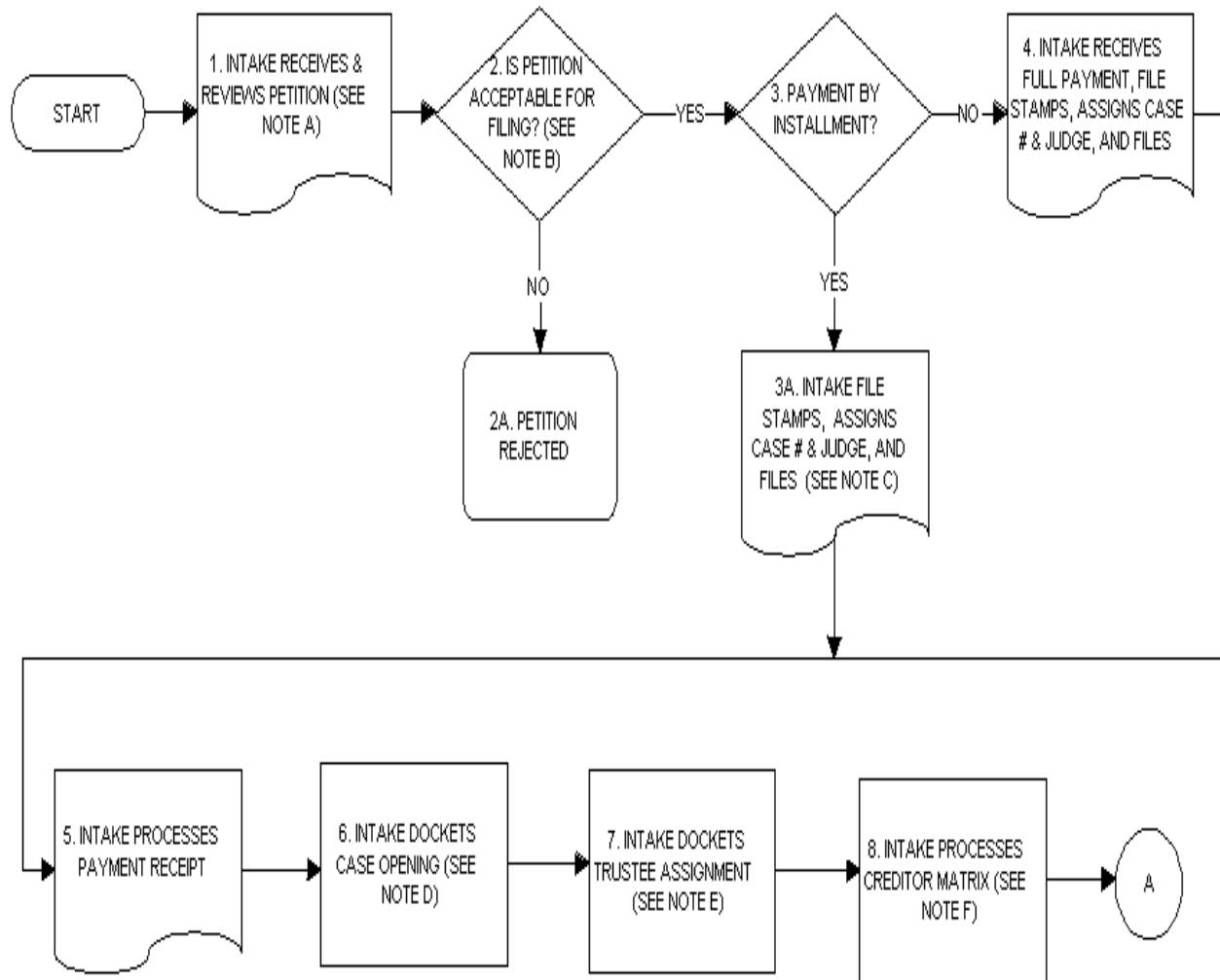
- Chapter 7: The discharge is granted after the time for filing objections to discharge expires, provided there are no objections pending. [*See* 11 U.S.C. § 727; Fed. R. Bankr. P. 4004(c)(1)]
- Chapter 11: The order confirming the plan operates as a discharge. [*See* 11 U.S.C. § 1141]
- Chapter 12: The discharge is granted when the debtor completes payments under a confirmed plan. [*See* 11 U.S.C. § 1228]. (The provisions of Chapter 12 are scheduled to expire on January 1, 2003.)
- Chapter 13: The discharge is granted when the debtor completes payments under a confirmed plan. [*See* 11 U.S.C. § 1328]

REAFFIRMATION AGREEMENTS

A reaffirmation agreement is a debtor's agreement with a creditor to reaffirm the debtor's obligation to repay a debt that would otherwise be dischargeable. [*See* 11 U.S.C. § 524]

IV. PROCEDURAL FLOW CHARTS

BANKRUPTCY PETITION FLOW CHART - CHAPTER 7 CASES (Page 1 of 4)



NOTE A: THIS FLOW CHART DESCRIBES THE PROCESS IN THE CLEVELAND OFFICE. DIFFERENT PROCEDURES IN THE OTHER OFFICES ARE NOTED.

NOTE B: PETITION IS NOT ACCEPTABLE FOR FILING IF (1) IT IS NOT ACCOMPANIED BY PROPER FILING FEE; (2) PETITIONER IS SUBJECT TO ORDER ENJOINING FILING; OR (3) PETITION LACKS DEBTOR'S SIGNATURE.

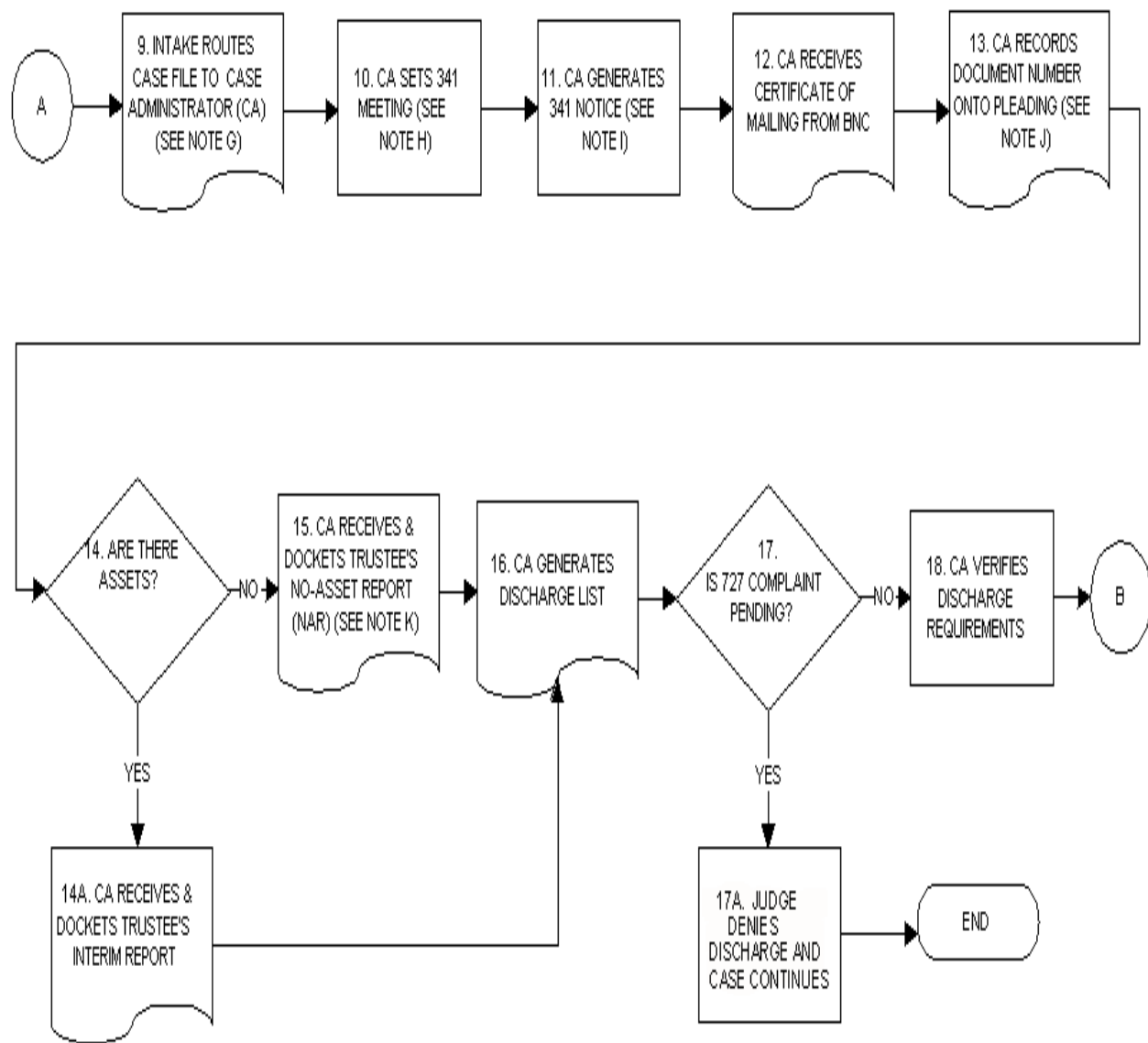
NOTE C: THE PROCEDURES FOR ISSUANCE AND PROCESSING OF THE INSTALLMENT ORDER VARY AMONG THE COURTS.

NOTE D: IN CANTON OFFICE, INTAKE ALSO CHECKS PETITION AND DOCKETS VOLUNTARY PETITION.

NOTE E: IN AKRON OFFICE, THIS FUNCTION HANDLED BY CASE ADMINISTRATOR.

NOTE F: IN AKRON OFFICE, THIS FUNCTION HANDLED BY CASE ADMINISTRATOR.

BANKRUPTCY PETITION FLOW CHART - CHAPTER 7 CASES (Page 2 of 4)



NOTE G: IN AKRON OFFICE, THIS FUNCTION HANDLED BY CASE ADMINISTRATOR.

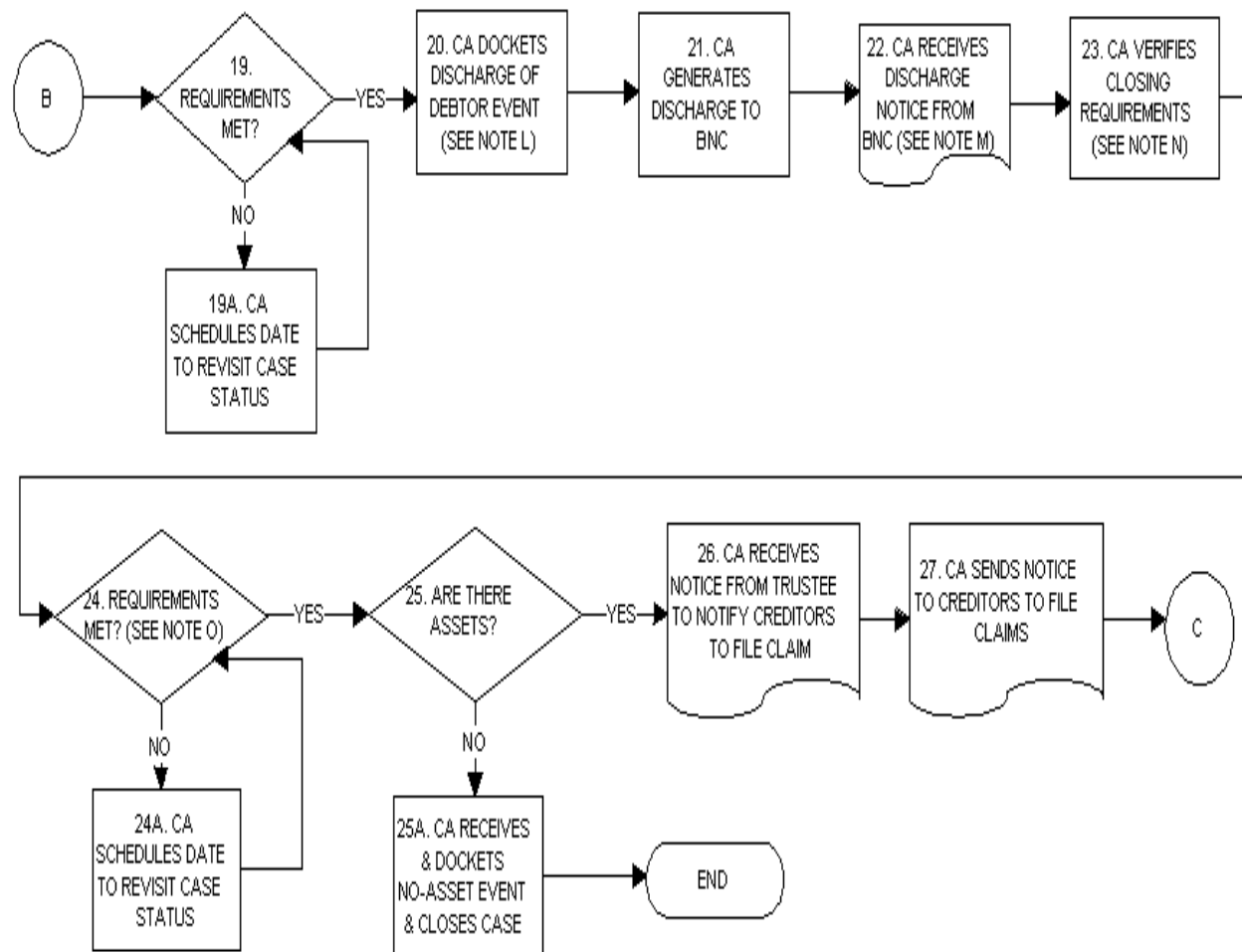
NOTE H: IN CANTON OFFICE, CASE ADMINISTRATOR ALSO DOCKETS THE 341 MEETING. IN TOLEDO OFFICE, INTAKE SETS 341 MEETING AFTER STEP #8.

NOTE I: IN TOLEDO OFFICE, INTAKE GENERATES 341 NOTICE, THEN ROUTES THE FILE TO DOCKET CLERK. IN TOLEDO OFFICE, DEPUTIES PARALLELING CASE ADMINISTRATOR DUTIES CARRY THE FUNCTIONAL TITLE OF DOCKET CLERK.

NOTE J: IN CANTON OFFICE, CASE ADMINISTRATOR DOCKETS 341 MEETING MINUTES AFTER STEP # 13.

NOTE K: NO-ASSET REPORT IS ALSO REFERRED TO AS NO-DISTRIBUTION REPORT.

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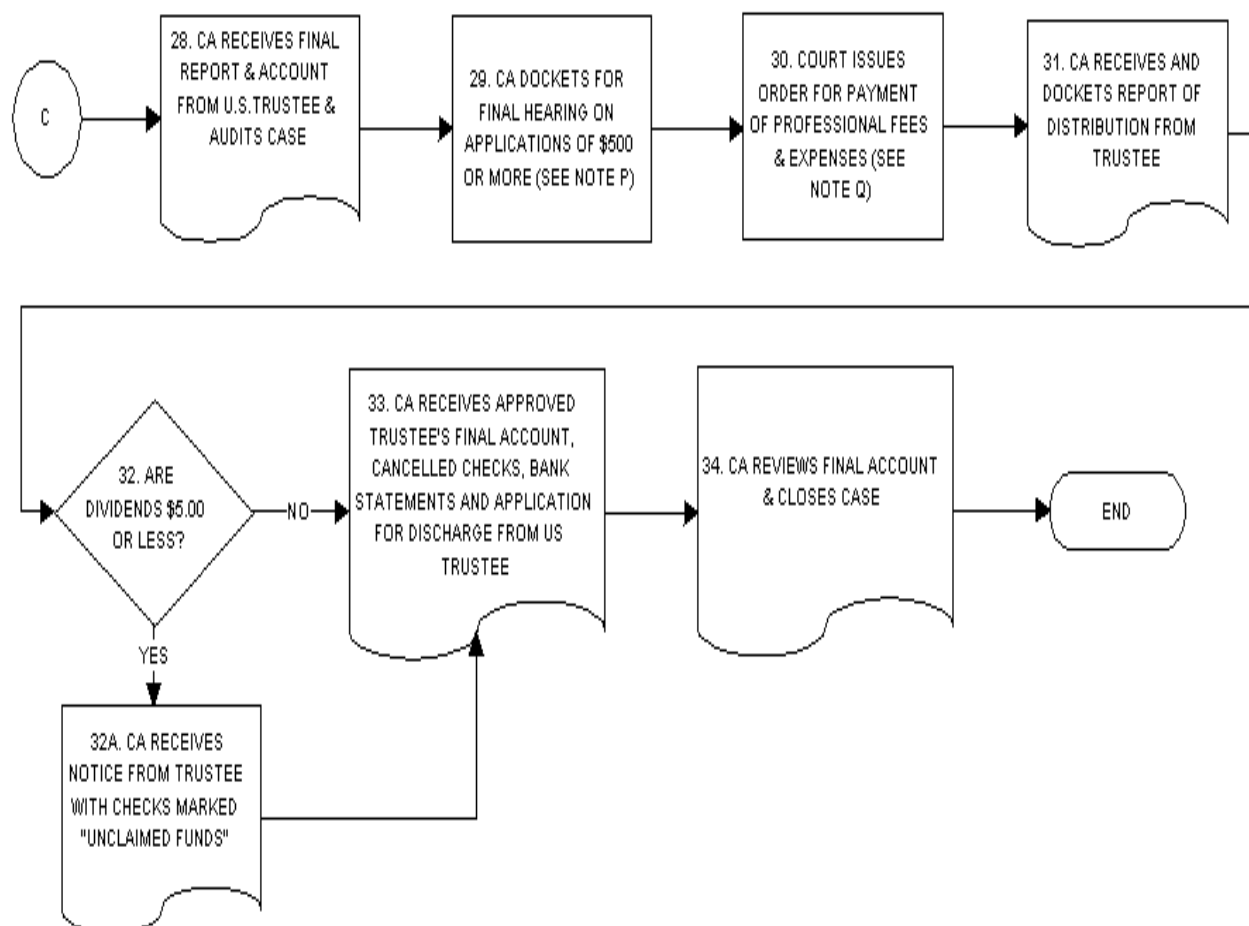
NOTE L: IN AKRON OFFICE, DISCHARGE IS CREATED BY CASE ADMINISTRATOR AND SENT TO JUDGE FOR SIGNATURE.

NOTE M: IN CANTON OFFICE, CASE ADMINISTRATOR RECEIVES CERTIFICATE OF MAILING FROM THE BANKRUPTCY NOTICING CENTER (BNC) AND RECORDS DOCKET # ON PLEADING.

NOTE N: IN CANTON OFFICE, THIS STEP IS NOT APPLICABLE.

NOTE O: IN CANTON OFFICE, THIS STEP IS NOT APPLICABLE.

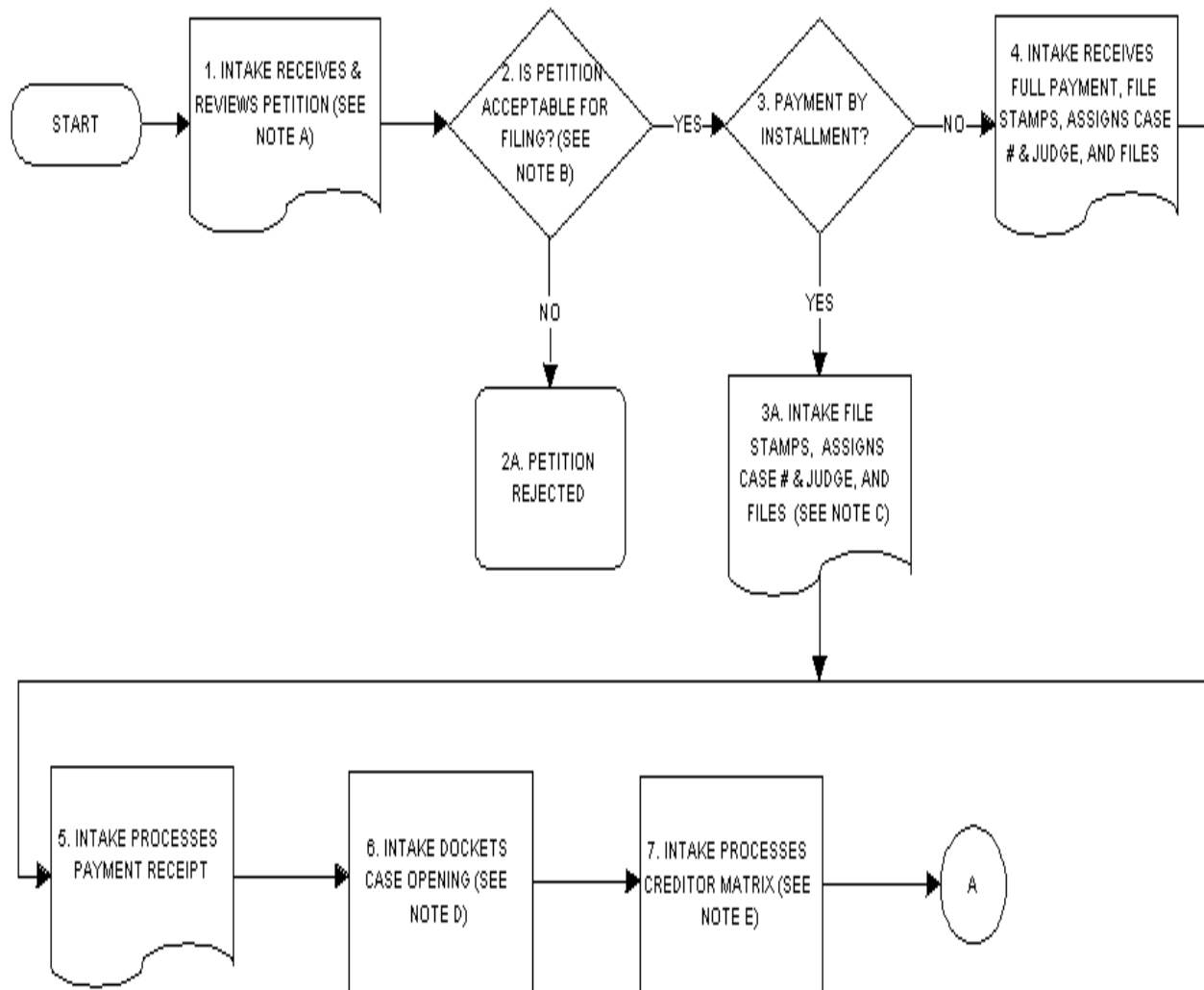
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NOTE P: IN AKRON OFFICE, CASE ADMINISTRATOR ALSO CREATES NOTICE. IN YOUNGSTOWN OFFICE, FINAL MEETING IS SET WITH APPLICATIONS FOR COMPENSATION IF TRUSTEE'S RECEIPTS EXCEED \$1,500.

NOTE Q: IN AKRON AND YOUNGSTOWN OFFICES, CASE ADMINISTRATOR ALSO PREPARES ORDER.

BANKRUPTCY PETITION FLOW CHART - CHAPTER 11 CASES (Page 1 of 3)



NOTE A: THIS FLOW CHART DESCRIBES THE PROCESS IN THE CLEVELAND OFFICE. DIFFERENT PROCEDURES IN THE OTHER OFFICES ARE NOTED.

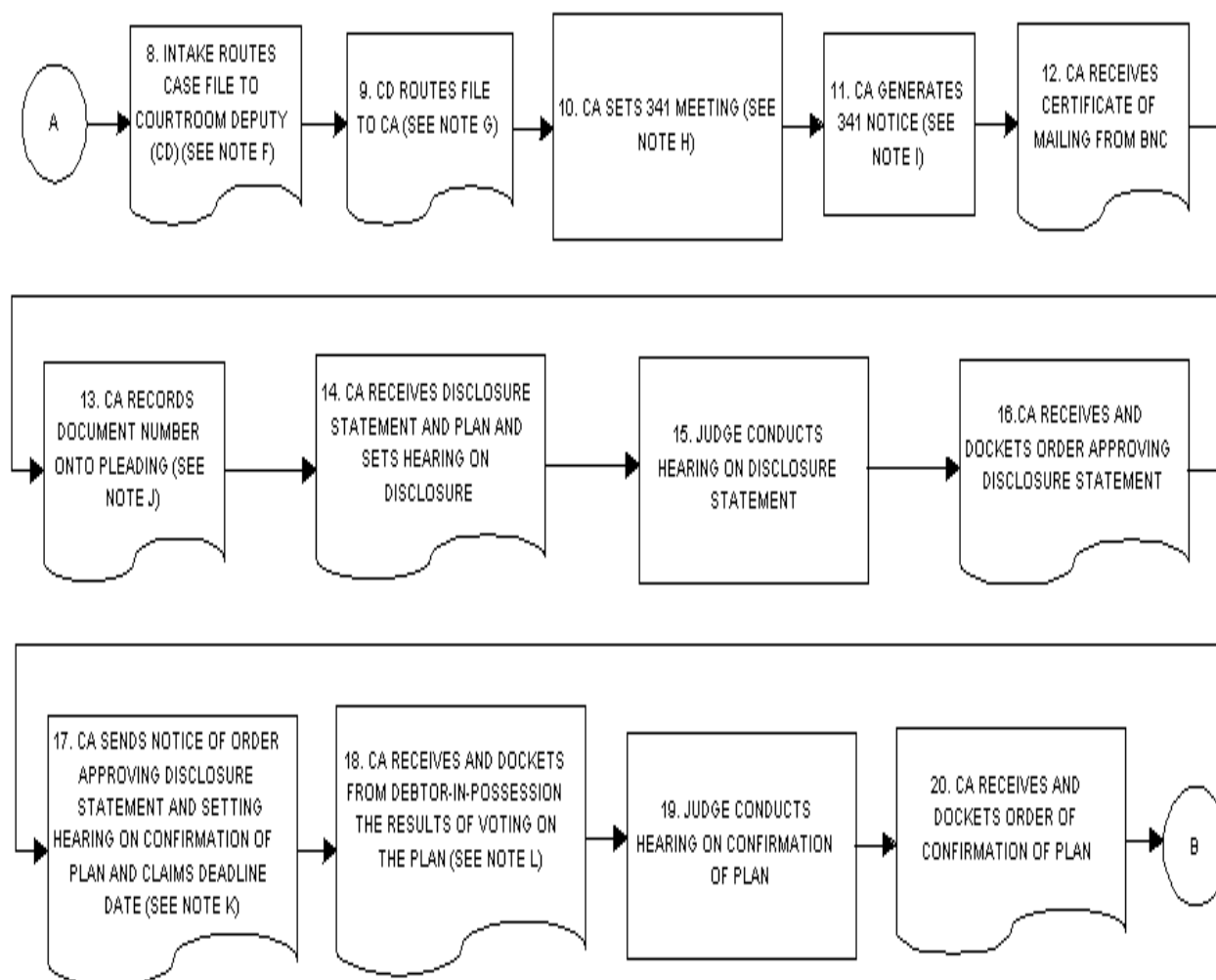
NOTE B: PETITION IS NOT ACCEPTABLE FOR FILING IF (1) IT IS NOT ACCOMPANIED BY PROPER FILING FEE; (2) PETITIONER IS SUBJECT TO ORDER ENJOINING FILING; OR (3) PETITION LACKS DEBTOR'S SIGNATURE.

NOTE C: THIS STEP APPLIES TO INDIVIDUAL CHAPTER 11s ONLY. THE PROCEDURES FOR ISSUANCE AND PROCESSING OF THE INSTALLMENT ORDER VARY AMONG THE COURTS.

NOTE D: IN CANTON OFFICE, INTAKE ALSO CHECKS PETITION AND DOCKETS VOLUNTARY PETITION.

NOTE E: IN AKRON OFFICE, THIS FUNCTION HANDLED BY CASE ADMINISTRATOR. IN ALL OFFICES, SYSTEMS DIVISION DOWNLOADS CREDITORS IF THERE ARE MORE THAN 100 CREDITORS.

BANKRUPTCY PETITION FLOW CHART - CHAPTER 11 CASES (Page 2 of 3)



NOTE F: THIS STEP DOES NOT APPLY IN CANTON OFFICE. IN AKRON OFFICE, THIS FUNCTION HANDLED BY CASE ADMINISTRATOR. IN ALL OFFICES EXCEPT THE CANTON OFFICE, STATUS CONFERENCE IS SCHEDULED, WHICH MAY VARY AMONG THE COURTS.

NOTE G: THIS STEP DOES NOT APPLY IN CANTON OFFICE. IN TOLEDO OFFICE, COURTROOM DEPUTY ROUTES FILE BACK TO INTAKE.

NOTE H: IN CANTON OFFICE, CASE ADMINISTRATOR ALSO DOCKETS THE 341 MEETING AFTER STEP #13. IN TOLEDO OFFICE, THIS FUNCTION HANDLED BY INTAKE.

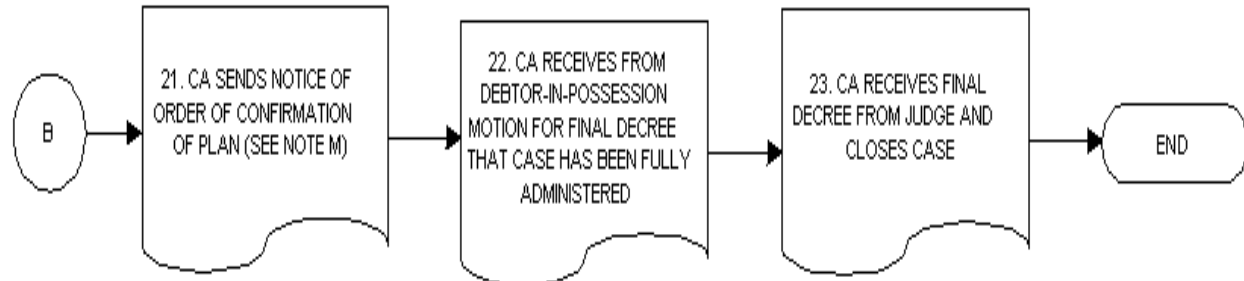
NOTE I: IN TOLEDO OFFICE, DEPUTIES PARALLELING CASE ADMINISTRATOR DUITES CARRY THE FUNCTIONAL TITLE OF DOCKET CLERKS.

NOTE J: IN CANTON OFFICE, CASE ADMINISTRATOR DOCKETS 341 MEETING MINUTES AFTER STEP #13.

NOTE K: THE JUDGE MAY DIRECT THE PARTIES TO PREPARE AND/OR SEND THE NOTICE.

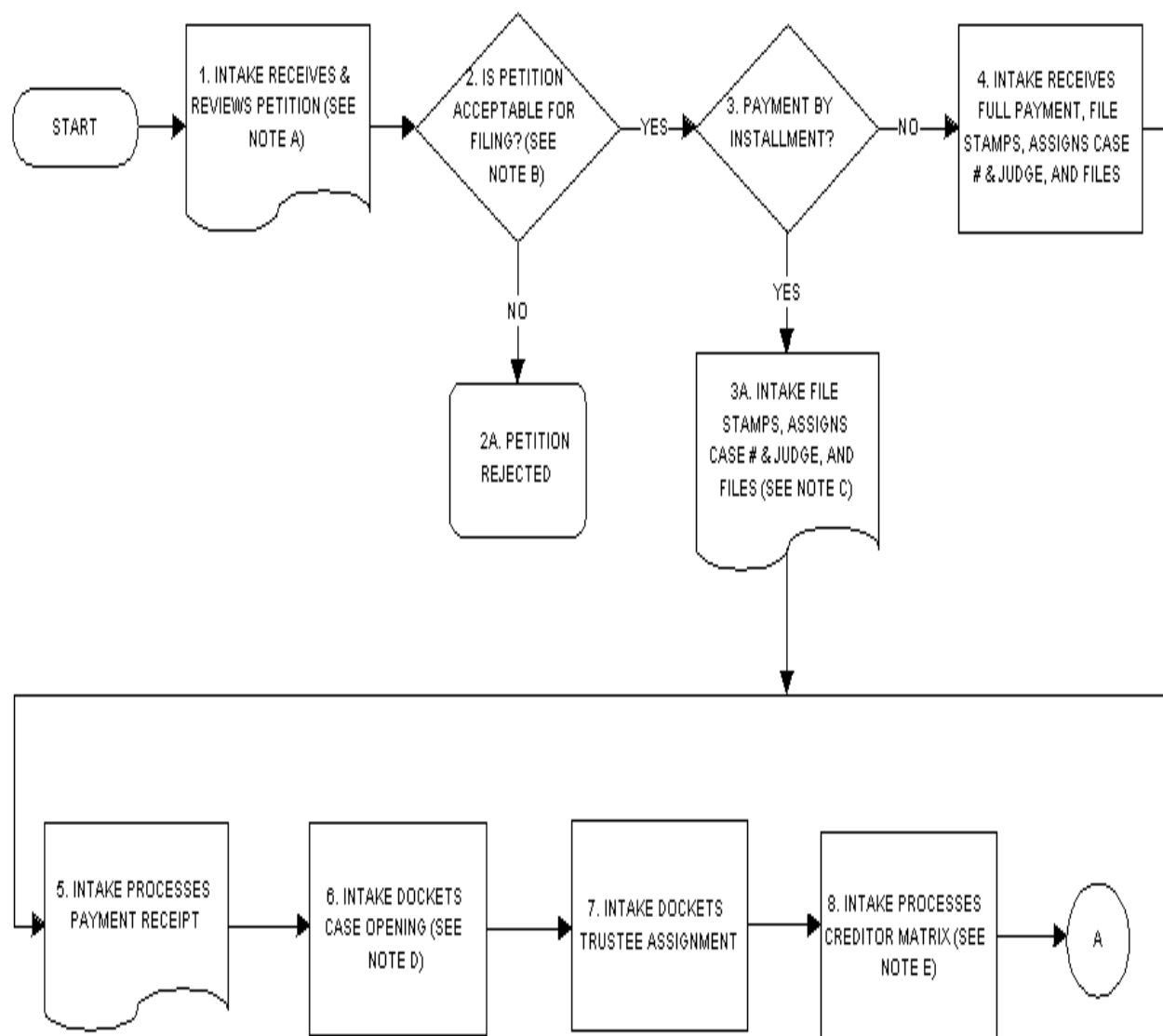
NOTE L: THIS STEP DOES NOT APPLY IN CANTON OFFICE.

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NOTE M: THE JUDGE MAY ORDER THE PARTIES TO PREPARE AND/OR SEND THE NOTICE.

BANKRUPTCY PETITION FLOW CHART - CHAPTER 13 CASES (Page 1 of 3)



NOTE A: THIS FLOW CHART DESCRIBES THE PROCESS IN THE CLEVELAND OFFICE. DIFFERENT PROCEDURES IN THE OTHER OFFICES ARE NOTED.

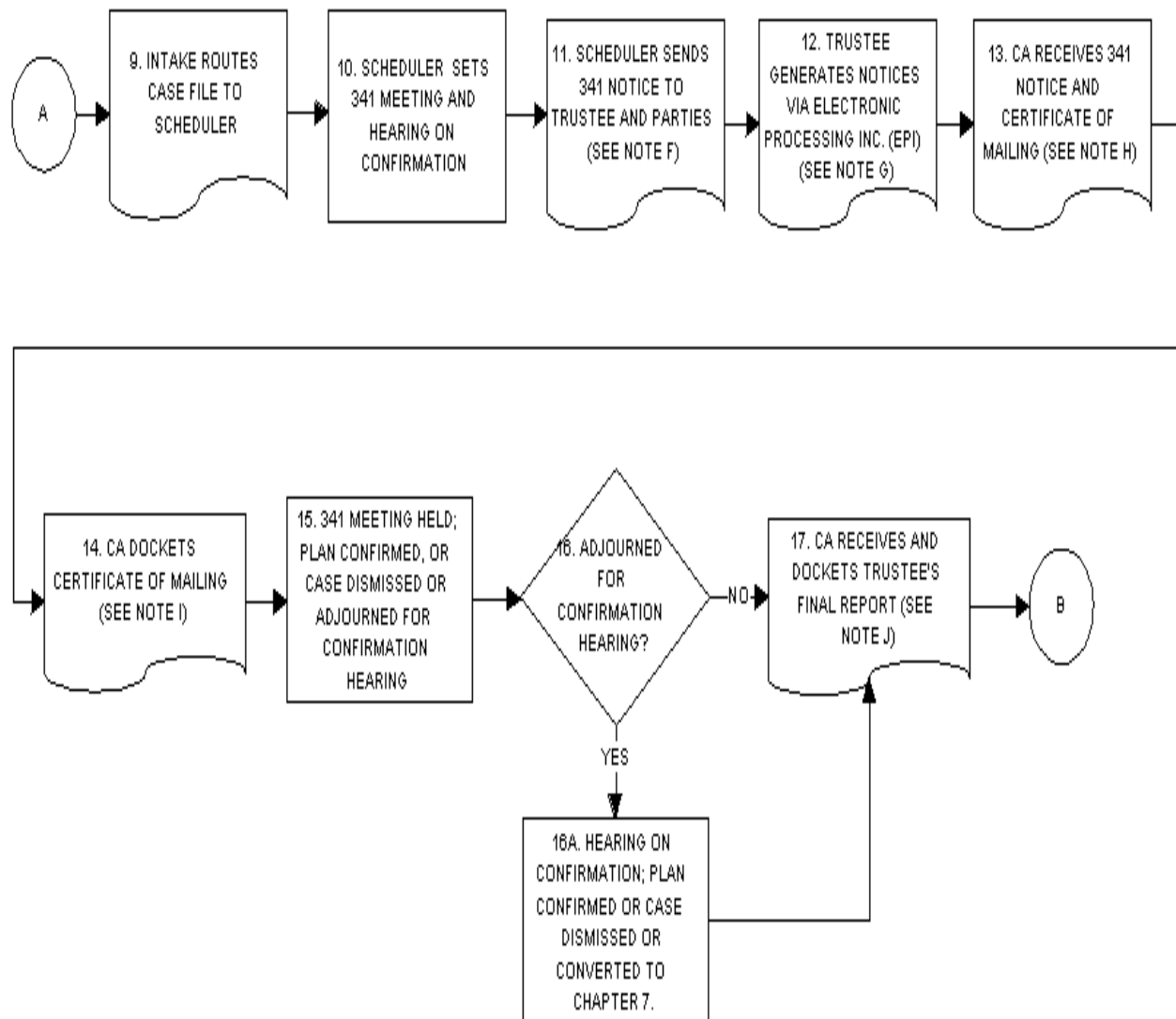
NOTE B: PETITION IS NOT ACCEPTABLE FOR FILING IF (1) IT IS NOT ACCOMPANIED BY PROPER FILING FEE; (2) PETITIONER IS SUBJECT TO ORDER ENJOINING FILING; OR (3) PETITION LACKS DEBTOR'S SIGNATURE.

NOTE C: THE PROCEDURES FOR ISSUANCE AND PROCESSING OF THE INSTALLMENT ORDER VARY AMONG THE COURTS.

NOTE D: IN AKRON, CANTON, AND YOUNGSTOWN OFFICES, INTAKE ALSO CHECKS PETITION AND DOCKETS VOLUNTARY PETITION.

NOTE E: IN AKRON OFFICE, THIS FUNCTION HANDLED BY CASE ADMINISTRATOR. IN YOUNGSTOWN OFFICE, THIS FUNCTION HANDLED BY SCHEDULER.

BANKRUPTCY PETITION FLOW CHART - CHAPTER 13 CASES (Page 2 of 3)



NOTE F: IN AKRON AND CANTON OFFICES, THIS FUNCTION HANDLED BY CASE ADMINISTRATOR. IN TOLEDO OFFICE, SCHEDULER SENDS 341 NOTICE INFORMATION TO TRUSTEE.

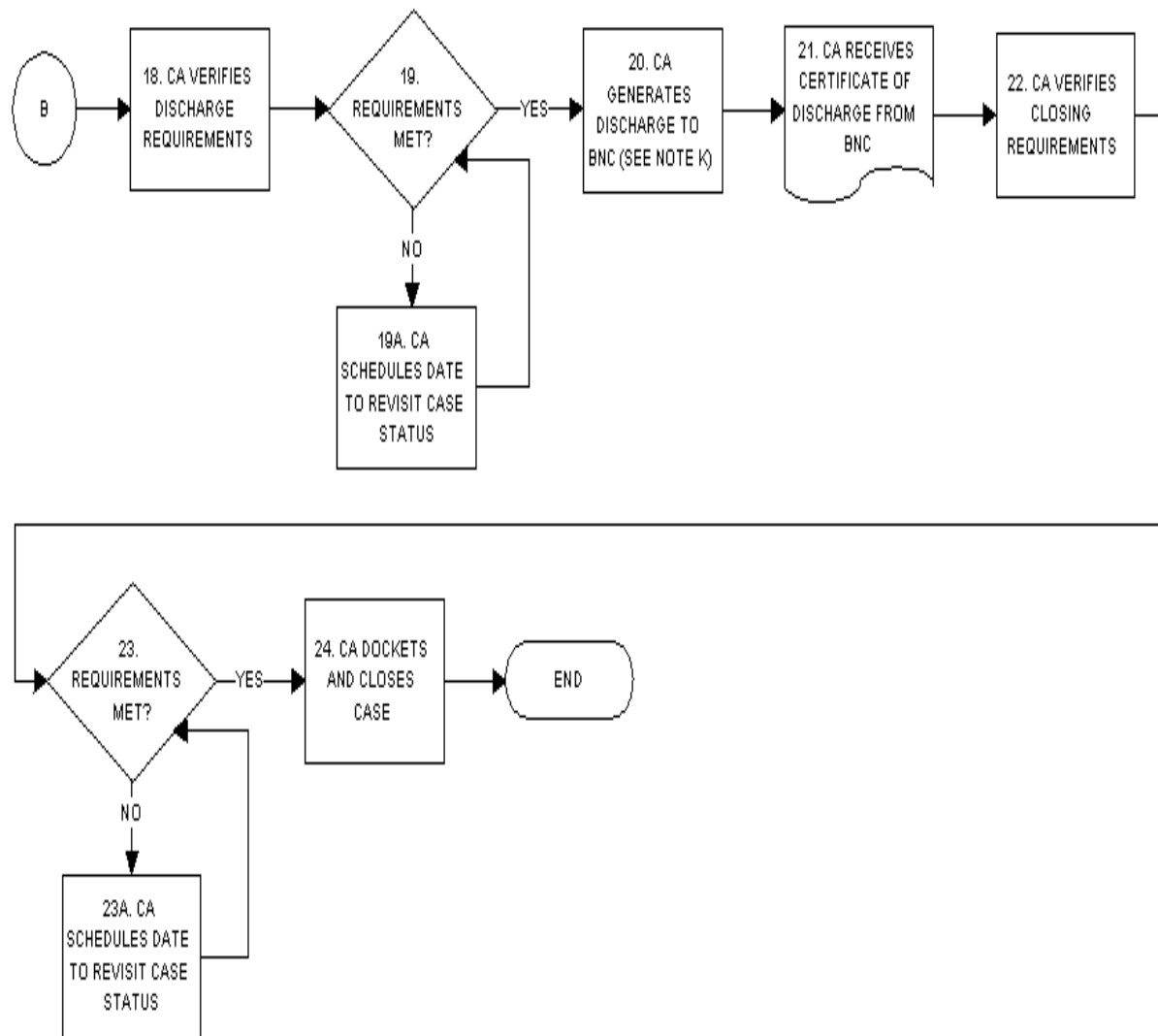
NOTE G: IN AKRON AND CANTON OFFICES, CASE ADMINISTRATOR GENERATES NOTICES THROUGH THE BANKRUPTCY NOTICING CENTER (BNC).

NOTE H: IN TOLEDO OFFICE, DEPUTIES PARALLELING CASE ADMINISTRATOR DUTIES CARRY THE FUNCTIONAL TITLE OF DOCKET CLERK.

NOTE I: IN AKRON OFFICE, THIS FUNCTION HANDLED BY AUTO DOCKET. IN CANTON OFFICE, CASE ADMINISTRATOR NUMBERS 341 MEETING NOTICE, DOCKETS 341 MINUTES, AND DOCKETS ORDER OF CONFIRMATION, WHERE APPLICABLE.

NOTE J: IN AKRON OFFICE, CASE ADMINISTRATOR ALSO AUDITS FILE, VERIFIES INFORMATION ON FINAL REPORT, SENDS FINAL REPORT TO JUDGE FOR SIGNATURE, AND FILES CERTIFICATE OF SERVICE.

BANKRUPTCY PETITION FLOW CHART - CHAPTER 13 CASES (Page 3 of 3)



NOTE K: IN AKRON AND CANTON OFFICES, CASE ADMINISTRATOR CREATES DISCHARGE FOR SIGNATURE AND DOCKETS DISCHARGE BEFORE GENERATING DISCHARGE TO THE BANKRUPTCY NOTICING CENTER (BNC).